

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NEW JERSEY BUILDING LABORERS
STATEWIDE BENEFIT FUNDS AND
THE TRUSTEES THEREOF,

Civ. No. 13-253

Petitioners,

v.

H.W. ALWARD, INC.,

Respondent.

OPINION

THOMPSON, U.S.D.J.

This matter has come before the Court on a Motion to Confirm the Arbitration Award brought by Petitioners New Jersey Laborers Statewide Benefit Funds (“Funds”) and the Trustees thereof (“Trustees”) (collectively, “Petitioners”). (Docket Entry No. 2). This motion is unopposed by Respondent H.W. Alward, Inc. (“Respondent”). The Court has decided this matter after considering the parties’ written submissions and without holding oral argument pursuant to Federal Rule of Civil Procedure 78(b).

Upon review of the evidence presented, this Court finds that Respondent is bound by a collective bargaining agreement and a Declaration of Trust (“Trust Agreement”) of the aforementioned Funds. (Petition, Docket Entry No. 1 at ¶¶ 6, 7). These two agreements require Respondent to make contributions to the Funds. (*Id.* at ¶ 7). When Respondent fails to make such contributions, the Trustees are permitted under the terms of the Trust Agreement to “take any action necessary or appropriate to enforce payment of contributions, interest damages, and expenses provided for herein.” (*Id.* at ¶ 8). In accordance with these terms, the Trustees have

appointed a Permanent Arbitrator to resolve claims of delinquent contributions to the Funds. (*Id.*).

The arbitrator's opinion indicates that Respondent was delinquent in making required contributions to the Funds between June 24, 2012 and August 25, 2012. (*Id.*, Ex. D at ¶ 4). The ensuing dispute was submitted to an arbitrator, who, after due notification to Respondent, issued an award. (Petition at ¶ 9).

Pursuant to 9 U.S.C. § 9, this Court has jurisdiction to enforce the awards of arbitrators. Having considered the written submissions of Petitioners in light of Respondent's failure to oppose the motion, and for good cause shown, the Court grants Petitioners' Motion to Confirm the Arbitration Award. An appropriate order accompanies this opinion.

/s/ Anne E. Thompson _____
ANNE E. THOMPSON, U.S.D.J.

Date: February 19, 2013